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IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PUBLIC.RESOURCE.ORG., a California non-profit organization,)	Case No. 13-cv-02789 WHO
)	
Plaintiff,)	STIPULATION AND
)	ORDER RESCHEDULING REPLY
v.)	BRIEF DEADLINE ON DEFENDANT'S
)	MOTION TO DISMISS
UNITED STATES INTERNAL REVENUE SERVICE,)	
)	
Defendant.)	

The parties, through their respective counsel of record, submit the following stipulation and request that the Court issue an order as requested:

1 WHEREAS, on September 3, 2013, defendant United States Internal Revenue Service
2 (“IRS”) filed a Motion to Dismiss (“the Motion”);

3 WHEREAS, on September 11, 2013, the Court approved a stipulation extending Plaintiff’s
4 time to respond to September 30, 2013, and Defendant’s time to reply to October 7, 2013.

5 WHEREAS, Plaintiff filed its opposition on September 30, 2013;

6 WHEREAS, at the end of the same day, the appropriations act that had been funding the
7 Department of Justice expired, and appropriations to the Department, as well as to the Internal
8 Revenue Service, elapsed, and given the complexity of the issues in this case, the Department will
9 need more time, even once funding is restored, to work with the Internal Revenue Service on a
10 reply to Plaintiff’s opposition;

11 WHEREAS, absent an appropriation, Department of Justice attorneys and employees of
12 the Internal Revenue Service are prohibited from working, even on a voluntary basis, except in
13 very limited circumstances, including “emergencies involving the safety of human life or the
14 protection of property.” 31 U.S.C. § 1342;

15 WHEREAS, once funding is restored, the Department and the Internal Revenue Service
16 hope to file a reply within six business days.

17 WHERE, in light of the above, counsel for the parties have agreed to postpone
18 Defendant’s time to reply until six business day after funding is restored, and will coordinate with
19 the Court and each other should the delay necessitate postponement of the motion hearing
20 currently scheduled for October 23, 2013;

21 NOW THEREFORE, IT IS HEREBY STIPULATED THAT:

22 The reply currently due on October 7, 2013, may be filed within six business days after the
23 Department and the Internal Revenue Service are funded.

IT IS SO STIPULATED

DATED this 4th day of October, 2013.

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Yonatan Gelblum, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

Yonatan Gelblum

ORDER

Pursuant to the parties' stipulation, and good cause appearing, the foregoing is approved and IT IS SO ORDERED. The hearing date for the motion to dismiss is off calendar. Defendant shall renote the hearing for a date not less than two weeks after its reply brief is filed.

Date: October 15, 2013



United States District Court Judge